

REMARKS

Claims 1, 3-4, 6-16, and 18 are pending. By this Amendment, Applicant amends claims 1 and 2 for clarity. Support for the amendment to claim 1 may be found at least in FIG. 1. No new matter is added. Applicant respectfully requests reconsideration and prompt allowance of the pending claims at least in light of the following remarks.

Applicant appreciates the courtesies shown to Applicant's representative by Examiner Dawson in the August 6 personal interview. Applicant incorporates a separate record of the substance of the interview into the following remarks. Specifically, claim 1 is amended as proposed during the personal interview.

Claims 1, 3, 4, 6-10, 12-16, and 18 remain rejected under 35 U.S.C. §103(a) over U.S. Patent No. 5,171,254 to Sher in view of U.S. Patent No. 3,943,981 to De Brabander. Applicant respectfully traverses the rejection.

In particular, as agreed during the personal interview, the combined references at least fail to teach or suggest "the holding portion located in an open space between the upper portion and the lower portion," and "an elastic member that extends across at least a portion of the open space so that a position of the holding portion relative to the eyelid opener portion and the eyeball is continuously adjustable during surgery without canceling a connection state of the eyelid opener portion and the holding portion," as recited in claim 1.

In this respect, Sher fails to disclose, teach, or suggest an elastic connecting portion, but briefly discloses the use of hook and loop fasteners. The Office Action alleges that De Brabander makes up for the deficiency of Sher by disclosing a hook and loop fastener that has elastic properties. However, as discussed during the personal interview, even if the skilled artisan would have been motivated to use an elastic hook and loop closure based on the alleged teaching of De Brabander, the elastic hook and loop closure would be confined to the area between the blades 22 and the attachment plates 66 of Sher. Thus, as agreed during the

personal interview, the elastic hook and loop closure would not extend into an open space between the blades 22, or even a space between the tubes 28.

Therefore, the combination of Sher and De Brabander fails to teach the features of claim 1. Further, claims 3, 4, 6-10, 12-16, and 18 are patentable for at least the reasons that claim 1 is patentable, as well as for the additional features they recite. Applicant respectfully requests withdrawal of the rejection.

Finally, as claim 11 has not been rejected, Applicant assumes that claim 11 is allowed. Applicant also respectfully requests allowance of claim 11.

In view of at least the foregoing, Applicant respectfully submits that this application is in condition for allowance. Applicant earnestly solicits favorable reconsideration and prompt allowance of the pending claims.

Should the Examiner believe that anything further would be desirable in order to place this application in even better condition for allowance, Applicant invites the Examiner to contact the undersigned at the telephone number set forth below.

Respectfully submitted,

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